

NTSB Order No. EA-4482

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD  
at its office in Washington, D.C.  
on the 6th day of September, 1996

Respondent .

Our order in this case was served on May 7, 1996, by certified mail to respondent's current address. Two notices were sent to respondent by his post office. The order was returned to us on June 1 as unclaimed, and we re-sent it via express mail. Respondent's appeal brief was filed July 1. It was due June 6.

Respondent claims he should be excused the late filing because, on receiving each of the two notices, he went to his post office and was told there was no letter. He later learned that his post office had changed. Respondent does not, however, explain ignoring the information on the notice indicating the post office at which the mail should be picked up. The Administrator has provided, in his reply to the petition, a letter from the Postal Service confirming that respondent's notices would have provided the address of his new, not the old, post office, that all affected postal patrons had gotten advance notice of the change, and that clerks at the old post office would have told respondent which station had his certified letter. Respondent's explanation does not offer good cause to accept his later-filed brief. Administrator v. Hooper, NTSB Order EA-2781 (1988).

Even had we accepted respondent's brief, he has offered no reason for us to reconsider our prior decision.

Our prior order stated that respondent's suspension was to begin 30 days from service, i.e., June 6. Because no extension has been granted and respondent did not file his appeal before the effective date, the order became effective automatically. If respondent has not surrendered his certificate, we advise he do so immediately.<sup>2</sup>

**ACCORDINGLY, IT IS ORDERED THAT:**

Respondent's petition for reconsideration and stay is rejected as late-filed.

HALL, Chairman, FRANCIS, Vice Chairman, HAMMERSCHMIDT, GOGLIA, and BLACK, Members of the Board, concurred in the above order.

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<sup>2</sup> Respondent must physically surrender his certificate to an appropriate representative of the FAA pursuant to Federal Aviation Regulation section 61.19(f).